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Intergovernmental working group of experts
on human rights of migrants
Third session
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# INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Government of the United Kingdom
of Great Britain and Northern Ireland
dated 11 February 1998

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**QUESTIONNAIRE ON THE HUMAN RIGHTS OF MIGRANTS**

I have the honour to refer to the Secretary-General's letter of 2 December 1997 enclosing a questionnaire from the Working Group on the Human Rights of Migrants.

I enclose a full response with annexes, where relevant, to the four questions posed by the Working Group. I have been asked to point out that the Government of the United Kingdom of Great Britain and Northern Ireland does not keep accurate records of British nationals living overseas. We are unable therefore to respond to the second tiret of the first question.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland remains available to respond to further enquiries from the Working Group on the Human Rights of Migrants.

UN INTER-GOVERNMENT GROUP OF EXPERTS ON MIGRANTS: REQUEST FOR INFORMATION

QUESTION 1

ESTIMATED(1) POPULATION OF THE UNITED KINGDOM, BY NATIONALITY, SPRING 1996

| Nationality | Total | Of whom, those aged 16 years or over in employment |
|---|---|---|
| | Thousands(2) | |
| Total | 57,881 | 26,219 |
| UK | 55,890 | 25,327 |
| Other EEA | 826 | 415 |
| Austria | + | + |
| Belgium | 6 | + |
| Denmark | 10 | + |
| Finland | + | + |
| France | 53 | 28 |
| Germany | 53 | 30 |
| Greece | 23 | 7 |
| Irish Republic | 479 | 233 |
| Italy | 85 | 42 |
| Luxembourg | + | + |
| Netherlands | 22 | 14 |
| Norway | 8 | + |
| Portugal | 28 | 15 |
| Spain | 35 | 20 |
| Sweden | 14 | 11 |

| | | |
|---|---|---|
| Other Europe | 145 | 44 |
| Bulgaria | + | + |
| Cyprus | 13 | + |
| Former Czechoslovakia | + | + |
| Hungary | + | + |
| Malta | + | + |
| Poland | 27 | 7 |
| Romania | + | + |
| Switzerland | 9 | + |
| Turkey | 42 | 10 |
| Former USSR | 20 | + |
| Former Yugoslavia | 16 | + |
| Other Europe | + | + |
| Americas | 242 | 119 |
| Argentina | + | + |
| Barbados | + | + |
| Brazil | + | + |
| Canada | 32 | 23 |
| Chile | + | + |
| Colombia | + | + |
| Cuba | + | + |
| Guyana | + | + |
| Jamaica | 51 | 26 |
| Mexico | + | + |
| Trinidad and Tobago | 6 | + |
| USA | 111 | 52 |
| Venezuela | + | + |

| | | |
|---|---|---|
| Other West Indies/ Caribbean | 17 | + |
| Other Central America | + | + |
| Other South America | + | + |
| Africa | 235 | 91 |
| Algeria | 6 | + |
| Ethiopia | 8 | + |
| Egypt | 7 | + |
| Gambia | + | + |
| Ghana | 31 | 19 |
| Kenya | 9 | + |
| Libya | + | + |
| Malawi | + | + |
| Mauritius | 10 | + |
| Morocco | 7 | + |
| Nigeria | 47 | 22 |
| Seychelles | + | + |
| Sierra Leone | + | + |
| Somalia | 9 | + |
| South Africa | 31 | 14 |
| Tanzania | 7 | + |
| Tunisia | + | + |
| Uganda | + | + |
| Zaire (D R Congo) | 6 | + |
| Zambia | + | + |
| Zimbabwe | 8 | + |
| Other Africa | 28 | + |

| | | |
|---|---|---|
| Indian sub-continent | 250 | 87 |
| Bangladesh | 43 | 12 |
| India | 129 | 59 |
| Pakistan | 78 | 17 |
| Middle East | 44 | 11 |
| Iran | 17 | + |
| Iraq | 10 | + |
| Israel | + | + |
| Lebanon | + | + |
| Other Middle East | 13 | + |
| Remainder of Asia | 143 | 55 |
| Burma | + | + |
| China | 15 | 7 |
| Hong Kong | 10 | + |
| Indonesia | + | + |
| Japan | 23 | 8 |
| Korea | + | + |
| Malaysia | 28 | 7 |
| Philippines | 12 | 7 |
| Singapore | + | + |
| Sri Lanka | 23 | 12 |
| Vietnam | + | + |
| Other Asia | 16 | + |

| | | |
|---|---|---|
| Oceania | 89 | 58 |
| Australia | 50 | 32 |
| New Zealand | 38 | 26 |
| Other nationalities<br>Unknown | 18 | 10 |

\+ 5 thousand or fewer

(1) Source: Labour Force Survey, a voluntary sample survey of all persons in private households.

(2) Figures under 10 thousand may not be reliable and should not be used in isolation.

## QUESTION 2

**Measures to strengthen the promotion, protection and implementation of the human rights of immigrants**

The UK Government is committed to creating a society where every individual, regardless of colour, creed or race, is afforded the same opportunities and respect as his or her neighbour.

The Government is firmly committed to reducing racial discrimination, tackling racial violence and ensuring that everyone has a fair chance to enjoy the rights and responsibilities that go with being a member of British society.

**Legislation**

Race Relations Act 1976

Under the Race Relations Act discrimination is unlawful in employment, education, and the provision of goods, facilities, services and premises. The Act also makes unlawful "indirect discrimination" - that is, requirements or conditions which are imposed equally on all racial groups, but which could only be met by a much smaller proportion of one particular group. The Act provides for enforcement through industrial tribunals, or, in some cases, civil proceedings.

Commission for Racial Equality

The Act also established the commission for Racial Equality with duties to work towards the elimination of discrimination, to promote equality of opportunity and good race relations, and to keep under review the working of the Act. The commission publishes codes of Practice, and has the power to conduct formal investigations, to obtain information, to issue non-discrimination notices, and to provide help for individuals in bringing legal cases. The commission also helps fund around 50 local Racial Equality councils. The commission's budget is in the region of £15 million.

The Local Government Act 1966 (Section 11)

This empowers the payment of grants by the government to local authorities which need to make special provision in carrying out their functions to meet the needs of those whose language or customs differ from the majority community. Further details are attached at Annex A.

Public Order Act 1956

The Public order Act makes provisions against the use of threatening, abusive or insulting words or behaviour, likely to produce a breach of the peace or alarm or distress; the Act enables conditions to be imposed on public processions (including banning a procession where the police believe serious public disorder will result) and on public assemblies; the Act also created an offence of incitement to racial hatred where there is an intention to stir up racial hatred or where it is likely to be stirred up.

Crime and Disorder Bill

Racial crime is a particularly serious problem because of the devastating effect which it can have both on individual victims and their families, and on communities more generally. The Government is therefore creating new of fences of racial harassment and violence. These are included in the Crime and Disorder Bill which is now making its way through Parliament.

The Government is proposing new statutory offences for racial crime which correspond to the existing main offences which deal with violence against the person (except those which carry a maximum sentence of life imprisonment) and offences of harassment. The Bill provides the courts with higher maximum penalties to reflect the racial aspect to the crime. so, for example:

- the maximum sentence for common assault will be increased from 6 months' imprisonment for the "ordinary" offence to 2 years' for the racial equivalent, and

- the maximum sentence for malicious wounding will be increased from 5 to 7 years' imprisonment.

These sentences will send out a message that racial violence and harassment are not acceptable in today's Britain. They will ensure that higher priority is given to the identification of relevant evidence in the investigation and prosecution of the case. And they will ensure that racist crimes are severely punished.

**Practical Measures**

Policing

Both the Government and the police attach a high priority to tackling the problem of racial attacks. In 1987, the Government established a Racial Attacks Group which published reports in 1989 and 1992. The Group made a number of detailed recommendations, the most important being that local multi-agency groups should be established to combat racially motivated crime. The reports have been circulated to all local authorities and to all police forces, and the implementation of the recommendations has been monitored by Her Majesty's Inspectorate of Constabulary.

The Racial Attacks Group was reconvened in 1994 and undertook a wide-ranging work programme with a focus on practical measures to assist those working to deal with this problem at local level. The Group's report was published in October 1996 and widely distributed. Work in this area is now being taken forward by the Racial Incidents Standing Committee (RIEC) which will, amongst other things, explore progress made by RAG, examine ideas for further work; and reflect on new developments.

The issue of racial attacks is addressed in police training. There is also an annual Home Office sponsored seminar for the police on community and race relations, and the Home Office provides a specialist support unit in community and race relations training. Recruitment to the police from ethnic minorities is encouraged although the numbers are still small; Home Office tests and requirements for recruitment have been revised to ensure that they are non-discriminatory. Racial discrimination by a police officer in the exercise of his duties is a disciplinary offence which may result in dismissal.

Criminal Justice System

Under Section 95 of the Criminal Justice Act 1991 the Secretary of State is required to publish information to enable persons engaged in the administration of criminal justice better to perform their duty to avoid discriminating against any person on the grounds of race, sex or any other improper ground. A booklet published in 1992, and updated in 1994, provided statistical information on different ethnic groups as victims of crime and as suspects and offenders, with information available on their progress through the police, the courts, the sentencing process, probation and prisons. The third booklet in the series, published in March 1996, sets out details of the work which is being undertaken throughout the criminal justice system.

The Judicial Studies Board (JSB)

The JSB, which has responsibility for training for Judges, has recently established an Ethnic Minorities Advisory Committee to advise on, and design, relevant training programmes and materials on race issues. The Committee has published papers on oaths and oath-taking and on names and naming systems.

Racial Disadvantage

The problem of racial disadvantage is another area of concern to the UK Government and is wider and more difficult to tackle. Research suggests that, on average, members of ethnic minorities are more likely to live in deprived inner city areas and are over-represented in the criminal justice system both as perpetrators and victims of crime. They are also, broadly speaking, more likely to be unemployed. There are many programmes and initiatives which have been introduced aimed at regenerating the economy and tackling unemployment, particularly in inner cities where many ethnic minority communities live.

Employment

Special provisions to help ethnic minorities in the labour market range from co-ordinated approaches to English language training to specialist supportive Job-Clubs.

The Employment Department's "Equal opportunities Ten Point Plan for Employers Pack" was published in March 1992. The pack is a basic tool-kit which gives employers practical advice on how they can offer equality of opportunity within their workplace for people from ethnic minorities, women and people with disabilities. The pack has been widely distributed in response to requests.

The Race Relations Employment Advisory Service (RREAS) is a specialist service of the Department for Education and Employment. It provides advice and guidance to employers on the introduction and implementation of policies and practices which help to ensure equality of opportunity regardless of race. RREAS operates from five regional bases.

Business in the Community has also developed "Race for Opportunity", a national campaign aimed at improving equal opportunities in employment and supporting local community organisation. Many major British companies have joined the initiative which has the full backing of the Government.

Education

A major review of existing research evidence on educational achievement by ethnic minority pupils was undertaken by the Office for Standards in Education (OFSTED). In response to their report, published in 1996, the Government announced a 10-point Action Plan to raise the achievement of ethnic minority pupils.

This involves measures to improve teaching skills; to research and spread best practice; to reduce exclusions; to tackle racial harassment; to target resources effectively; and to monitor ethnic minority pupils' performance. The plan contains several distinct strands of action which are actively being taken forward by various parts of the Department for Education & Employment, its Agencies and OFSTED.

Regeneration

There are many programmes and initiatives which have been introduced to regenerate the economy in the inner cities where the benefit is felt especially by ethnic minorities:

- The 31 City Challenge winners are continuing with their 5 year strategies for economic regeneration in their areas. Collectively they will create or preserve nearly 150,000 jobs; improve over 80,000 homes;and help over 7,500 new business start-ups.

- The Single Regeneration Budget (SRB) combines 20 different Government spending programmes and will provide a total of £3.4 billion for the three years 1997/98 to 1999/2000. The objectives of the SRB Challenge Fund specifically include benefits for ethnic minorities. A senior Home Office member of staff is based in each of the ten Government regional offices to ensure that their interests are not overlooked.

- Total expenditure on Section 11 projects amounts to around £84 million.

Participation in Public Life

Most members of ethnic minority communities in the UK are British citizens and enjoy the same rights to participate in democratic life, vote, and to stand for election as any other British citizen. In addition there is a range of formal and informal systems designed to ensure that the views of ethnic minority communities are taken into account in the formation of Government policy.

The Home Secretary intends to create a Race Relations Forum to advise him on issues affecting ethnic minority communities. It will make a positive and practical contribution to policy development and will give minority communities a new and effective voice at the heart of Government. The Forum's membership is currently being considered and it is hoped that an announcement will be made soon.

The Race Relations Employment Advisory Group advises the Department for Education and Employment on matters relating to

the employment of members of ethnic minorities. Membership includes the Chairman of the Commission for Racial Equality, representatives from the Confederation of British Industry, Trades Union Congress and Institute of Personnel Management, and individuals from ethnic minorities.

The Secretary of State for the Environment has established the Inner Cities Religious Council which includes representatives of all major faiths and provides a forum in which the views of Muslims and Hindus, for example, can be heard as religious groups. There are also frequent contacts at Ministerial and official level with groups representing different minority communities and regular community visits are arranged for both Ministers and officials to listen to the concerns of people in different parts of the country.

The Government's Public Appointments Unit identifies suitable candidates from ethnic minorities for consideration for a wide range of public appointments.

Public Information

A wide range of information leaflets providing help and advice on all these areas have been translated into ethnic minority languages. A full list is attached at Annex B.

**QUESTION 3**

**Manifestations of Racism**

Racial incidents are recorded by the Police. A racial incident is defined as one where it appears to the reporting or investigating officer that the complaint involves an element of racial motivation, or if the incident includes an allegation of racial motivation made by any person.

Between April 1995 and March 1996, a total of 12,222 racial incidents were reported to police forces in England and Wales. The figure for April 1996 to March 1997 was 13,151.

Police forces are taking steps to increase the reporting rate of racial incidents to derive a better picture of the type of incidents which take place, and to discover when and where they are taking place and on whom.

**QUESTION 4**

**ILO CONVENTIONS**

a) The UK ratified ILO Convention 97 concerning Migration for Employment in January 1951.

b) However, the UK has not ratified ILO Convention 143 concerning Migrant Workers. When this Convention was adopted by the ILO in 1975, the UK set out its position in a White Paper. The Government explained at the time that, although it supported the underlying principles of the Convention, there were inconsistencies with policies and practice in the UK which prevented ratification.

c) For instance, the Government was unable to accept a commitment to impose the type of surveillance envisaged by Article 2 of the Convention. There were particular difficulties about introducing further criminal sanctions against employers of illegal immigrants which would probably have had to encompass the immigrants also, and difficulties in creating extra-territorial offences for manpower trafficking. In addition, Article 8.2 would require retraining to be available on the same terms as to nationals for any migrant worker who lost their employment. Foreign workers who are admitted to this country may be governed by restrictions imposed by the work permit scheme operated under the Immigration Act 1971. These restrictions require the worker to remain in the same type of work until the conditions are removed, normally after 4 years approved employment, and as permits are generally issued only to skilled workers, they are ineligible for vocational training while subject to work permit conditions.

d) The UK's position has not changed since the Convention's adoption. Nevertheless, the UK has been asked by the ILO, under Article 19 of the ILO Constitution which requires the submission of reports on the position of law and practice in respect of certain selected unratified Conventions, to report by 1 April 1998 on Convention 143. As part of this exercise, the Government will review its position towards ratification of the Convention and will examine whether the difficulties mentioned above still remain.

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Secretariat note: The annexes are kept by the Secretariat and are available upon request.